

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES MUHAMMAD,

No. C 06-5362 MMC

Plaintiff,

ORDER DISMISSING ACTION

v.

DON KASSIG, et al.,

Defendant

By order filed September 1, 2006, the Court dismissed plaintiff's complaint for failure to state a claim upon which relief could be granted. The Court afforded plaintiff the opportunity to file a First Amended Complaint no later than September 25, 2006. To date, plaintiff has not filed a First Amended Complaint.

Accordingly, for the reasons set forth in the Court's order filed September 1, 2006, the above-titled action is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk shall close the file.

IT IS SO ORDERED.

Dated: September 29, 2006


MAXINE M. CHESNEY
United States District Judge